

321J.9 Refusal to submit — revocation.

1. If a person refuses to submit to the chemical testing, a test shall not be given, but the department, upon the receipt of the peace officer's certification, subject to penalty for perjury, that the officer had reasonable grounds to believe the person to have been operating a motor vehicle in violation of [section 321J.2](#) or [321J.2A](#), that specified conditions existed for chemical testing pursuant to [section 321J.6](#), and that the person refused to submit to the chemical testing, shall revoke the person's driver's license and any nonresident operating privilege for the following periods of time:

- a. One year if the person has no previous revocation under [this chapter](#); and
- b. Two years if the person has had a previous revocation under [this chapter](#).

2. The department shall require the defendant to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles owned or operated by the defendant if the defendant seeks a temporary restricted license. However, if the defendant has had no previous conviction or revocation under [this chapter](#), the department shall only require the defendant to install an approved ignition interlock device on all vehicles operated by the defendant if the defendant seeks a temporary restricted license. A temporary restricted license shall not be granted by the department until the defendant installs the ignition interlock device.

3. If the person is a resident without a license or permit to operate a motor vehicle in this state, the department shall deny to the person the issuance of a license or permit for the same period a license or permit would be revoked, subject to review as provided in [this chapter](#).

4. The effective date of revocation shall be ten days after the department has mailed notice of revocation to the person by first class mail, notwithstanding [chapter 17A](#). The peace officer who requested or directed the administration of a chemical test may, on behalf of the department, serve immediate notice of intention to revoke and of revocation on a person who refuses to permit chemical testing. If the peace officer serves immediate notice, the peace officer shall take the Iowa license or permit of the driver, if any, and issue a temporary license effective for ten days. The peace officer shall immediately send the person's license to the department along with the officer's certificate indicating the person's refusal to submit to chemical testing.

86 Acts, ch 1220, §9; 95 Acts, ch 48, §16; 97 Acts, ch 177, §14; 98 Acts, ch 1073, §9; 2001 Acts, ch 32, §47; 2010 Acts, ch 1097, §8; 2018 Acts, ch 1110, §5, 9; 2021 Acts, ch 98, §5

Referred to in §321.211A, 321J.2, 321J.4, 321J.6, 321J.8, 321J.10, 321J.13, 321J.17, 915.80

2018 amendment applies to all persons who apply for or are issued a temporary restricted license under [chapter 321J](#) on or after July 1, 2018; 2018 Acts, ch 1110, §9

Subsection 2 amended